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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIO ALBERTO ALONSO-  
MALDONADO,

Defendant.

2:10-cr-197-RCJ-LRL


**PROPOSED ORDER ON MOTION TO  
ALLOW LATE FILING OF NOTICE OF  
APPEAL**

Federal Rule of Appellate Procedure 4(b)(4) states: "Upon a showing of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time or filing a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." See FRAP 4(b)(4).

The judgment of conviction in this case was entered on October 14, 2010. As a result, Alonso-Maldonado's notice of appeal was due no later than October 28, 2010. See FRAP 4(b)(A)(I). Nevertheless, Maldonado is still within the 30-day rule prescribed by FRAP 4(b)(4) to request this extension. See FRAP 4(b)(4).

This Court has considered arguments by the parties, the affidavit submitted by Ms. Kirtley, and the assertions of Alonso-Maldonado regarding the steps he took to notify his attorney of his desire to appeal. Based on all of the factors enumerated above, the Court finds that excusable neglect has been demonstrated.

DATED this 29th day of November, 2010.

  
Gloria M. Navarro  
United States District Judge